

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

2007 MAY 22 PM 3: 02


U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
CLEVELAND

Marvin Skinner,	:	Case No. 5:06CV2313
	:	
Petitioner	:	Judge Sara Lioi
	:	
v.	:	Magistrate Judge David S. Perelman
	:	
Michelle Eberlin, Warden,	:	<b>REPORT AND RECOMMENDED</b>
	:	<b>DECISION</b>
Respondent	:	

Petitioner, through counsel, has moved for a voluntary dismissal, without prejudice, of this action in habeas corpus, 28 U.S.C. §2254.

In the motion counsel states that new facts came to her attention which led to discussions of the viability of the petition with the petitioner, and that "On May 18, 2007, after weighing the considerations, Petitioner Skinner informed the undersigned of his decision that his interests would not be served by further pursuit of a writ of habeas corpus. Petitioner Skinner further indicated his desire to seek a voluntary dismissal [of] his petition, and requested the undersigned to file the appropriate motion."

In light of this representation, it is recommended that this motion be granted.



DAVID S. PERELMAN  
United States Magistrate Judge

DATE: May 22, 2007

## OBJECTIONS

Any objections to this Report and Recommended Decision must be filed with the Clerk of Courts within ten (10) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the District Court's order. *See, United States v. Walters*, 638 F.2d 947 (6<sup>th</sup> Cir. 1981). *See, also, Thomas v. Arn*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986).